

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
FEBRUARY 10, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power and Anthony W. Cobos. Late Arrivals: Vivian Rojas arrived at 9:04 a.m. and Paul J. Escobar arrived at 9:18 a.m. Absent: None. Meeting was called to order at 9:03 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

Mayor Joe Wardy thanked the citizens of El Paso for passing the Bond and Charter Amendments.

MAYOR'S PROCLAMATION

1. *National Girls and Women in Sports Week*

No action was taken on the following item: Your education in El Paso. [Anita Blair]

Ms. Blair commented on the use of Texas State Lottery money for a medical school in El Paso and the recruitment of teachers from the Philippines.

*Motion made, seconded and unanimously carried to postpone one (1) week the following item: Discussion and action on my request to withdraw the recall petition against City Rep. Paul Escobar which was submitted to the City Clerk's Office without my authorization on January 26, 2004. Again, I ask the petition be withdrawn because it was submitted without my authority and no one was given authority to act on my behalf. I hereby state that Hector Daly, the person who attested to the petition, was in no way involved in either taking signatures or witnessing the taking of signatures. Should my request to have the recall petition withdrawn be denied, I ask this City Council to refer this matter to the appropriate Legislative Committee before further action is taken in this matter. [Robert Barragan]

No action was taken on the following item: Presentation by Golden Gloves Tourney on results and belated thank you. [Jake Martinez and Jerry Wright]

Mr. Jake Martinez, Director El Paso Golden Gloves, commented on the success of the recent Golden Gloves tournament held in El Paso and noted that nine El Paso fighters would progress to the State finals to be held in Ft. Worth, Texas. He thanked the Council Members for the 2004 El Paso Golden Gloves Tournament Week proclamation given at the February 3, 2004 City Council meeting.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, ("Lessor"), Lockheed Joint Venture ("Assignor"), and I.G.I.T., LTD. ("Assignee") regarding the Industrial Site Lease dated January 1, 1978 covering the property described as Lots 8, Block 7, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known and numbered as 7505 Lockheed.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department to be funded through the FY2004 Downtown Festivals and Cultural Programs of the Arts and Culture Department, as recommended by the Arts and Culture Board and Staff.

ORGANIZATION:	AMOUNT
1. Impact Programs of Excellence/Art and Sol	\$10,000.00
TOTAL:	\$10,000.00

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and SANTIAGO SANCHEZ for the purchase of Lot 10, Block 26, WOODLAWN, El Paso, El Paso County, Texas, also known as 218 Gateway Boulevard North to be used for the purpose of completing the El Paso Zoo Expansion Project.

Representative Lozano questioned Ms. Patricia Adaauto, Deputy CAO for Building and Planning Services, regarding the parcel price.

Ms. Adaauto explained that the negotiated amount, based on the appraisal, paid to Mr. Sanchez was \$56,925.00.

Motion made by Representative Lozano, seconded by Representative Austin and unanimously carried to approve the above Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council approve a Letter of Engagement between the City of El Paso and Norman J. Gordon, Attorney at Law, Mounce, Green, Myers, Safi & Galatzan, a Texas Professional Corporation to continue to provide legal services regarding general utility matters applicable to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a Grant Application with the Paso del Norte Health Foundation, on behalf of the City's Retired and Senior Volunteer Program, in the amount of \$25,000, this application will be in effect from April 1, 2004 through March 31, 2005; and

That Nathalie Prise, Interim Director, Community and Human Development Department, be authorized to furnish such additional information as the Paso del Norte Health Foundation may require in connection with the Grant Application for this program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Paso del Norte Health Foundation for aid in financing this program. No City matching funds required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding (MOU) between the City of El Paso and ACCION Texas, Inc., to provide micro-loans to eligible small businesses or micro-entrepreneurs. The MOU shall be for an initial term of one year, with a sub-award to ACCION Texas, Inc., of \$200,000, through funds granted to the City by the Community Adjustment and Investment Program of the North American Development Bank.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign a Loan Agreement on behalf of the City of El Paso, for the loan of one (1) oil on canvas by Jorge Encizo, **San Isidro Labrador**, 1903, to the New Mexico Farm and Ranch Heritage Museum, Las Cruces, New Mexico, for an exhibition "Fiestas de San Ysidro", to be held from March 15, 2004 - July 9, 2004. The New Mexico Farm and Ranch Heritage Museum will cover the costs of packing, shipping and insurance during the loan period.

Representative Lozano commented on the \$2,000.00 per month payment on the painting.

Ms. Amy Reed, El Paso Museum of Art Curator, provided explanation.

Mr. John Nance, Assistant City Attorney, provided legal advice.

Representative Austin noted that the value of the painting was \$7,500.00 and that the New Mexico Farm and Ranch Museum was providing payment of packing, shipping and insurance for a temporary time period.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an **Agreement for Engineering Services** by and between the **CITY OF EL PASO** and **KARLSRUHER, INC. DBA CSA CONSULTING ENGINEERS**, for a project known as "San Antonio Avenue Street & Drainage Improvements" for an amount not to exceed EIGHTY-TWO THOUSAND and NO/100 DOLLARS (\$82,000.00).

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a **First Amendment** to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **AGUILAR & MESTA, INC., D/B/A PERSPECTIVA**, for a project known as "**Lower Valley Branch Library**", in an amount not to exceed TEN THOUSAND FIVE HUNDRED FIFTY-ONE and NO/100 DOLLARS (\$10,551.00).

Representative Rojas questioned the reduction in scope for the Lower Valley Branch Library.

Ms. Carol Brey-Casiano, Director of Libraries, explained that the Reading Room and adult shelving had been reduced.

Ms. Irene Ramirez, Interim City Engineer, explained the adjustment in the library design.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an **Agreement for Engineering Services** by and between the **CITY OF EL PASO** and **ECM INTERNATIONAL, INC.**, for a project known as "Golf Course at EPIA" for an amount not to exceed ONE MILLION NINE HUNDRED EIGHTY-SEVEN THOUSAND SIX HUNDRED and NO/100 DOLLARS (\$1,987,600.00).

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an **Agreement for Engineering Services** by and between the **CITY OF EL PASO** and **QUANTUM ENGINEERING CONSULTANTS, INC.**, for a project known as "**Keltner Avenue Parkway Improvements**", in an amount not to exceed THIRTY TWO THOUSAND NINE HUNDRED TWENTY-NINE and 98/100 DOLLARS (\$32,929.98).

Representative Cushing noted that a previous project for Keltner Avenue Parkway Improvements had been awarded for \$250,000.00 and questioned whether the resolution was in addition to the previously awarded project.

Ms. Irene Ramirez, Interim Deputy Director of Engineering, provided explanation.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a **Developer Participation Agreement** by and between the **City of El Paso** and **Leo Mendoza** (the developer) requiring the Developer to provide all funding for the construction of offset angle parking spaces on the City's right-of-way; and that the Interim City Engineer is hereby authorized and directed to designate ten (10) offset angle parking spaces on Grama Street east side only, from Alameda Avenue to the alley north thereof, which will be constructed by the Developer pursuant to this Developer Participation Agreement.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Public Library be authorized to allow the El Paso Public Library Association and El Paso Heritage Week Organization to serve wine at a "Meet and Greet" reception for their new Development Director, Patricia Ayala, at the Main Library, 501 North Oregon, on February 18, from 4:30 p.m. to 6:00 p.m.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the Texas Department of Transportation, more specifically described as the "Scofflaw Services Contract for Marking Texas Motor Vehicle Registration Records." Said agreement is contingent upon approval of an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso regarding motor vehicle registration refusals pursuant to Section 702.003 of the Texas Transportation Code.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso relating to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code.

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*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor is hereby authorized to sign, on behalf of the City, an Access Agreement between the City of El Paso and Dr. Wen-Yee Lee, to allow access to conduct soil, air and water sampling and testing at various City owned properties and rights of way in and around the City and County of El Paso.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, Lease Agreements (attached hereto as Exhibit "A" and "B") between the CITY OF EL PASO and WILLIAMS SCOTSMAN for the rental of two trailers and/or relocatable, modular and/or prefabricated structures at a monthly rental rate of \$290.00 per month.

Exhibit "A" and "B" on file in the City Clerk's Office.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement by and between the Comptroller of Public Accounts, State Energy Conservation Office (SECO), and the City of El Paso, to conduct an energy efficiency audit of City facilities. There is no cost to the City of El Paso for this audit.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the PARKS & RECREATION DEPARTMENT. Funding for these contracts is in fiscal year 2003/2004 appropriations to be approved by the City Council.

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT 502214

1. CONTRACTOR: Rebecca Grado
DATES: February 23, 2004 thru August 31, 2004
RATE PER CL: \$10.00
MAXIMUM AMT: \$840.00
CONTRACT: 2003/2004-091

NATIONS TOBIN RECREATION CENTER

DEPARTMENT ID: 51510099, ACCOUNT 502215

2. CONTRACTOR: Jaime Rodriguez Jr.
DATES: February 11, 2004 thru August 31, 2004
RATE PER CL: \$6.00
MAXIMUM AMT: \$1050.00
CONTRACT: 2003/2004-092
3. CONTRACTOR: Christopher Jimenez
DATES: February 11, 2004 thru August 31, 2004
RATE PER CL: \$6.00
MAXIMUM AMT: \$1050.00
CONTRACT: 2003/2004-093

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with EL PASO REPROGRAPHICS to lease the company One (1) 4 Cubic Yard Dumpster for a service fee of \$15.00 for each month, for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a JOINT USE AGREEMENT, attached as Exhibit "A" (Exhibit "A" on file in the City Clerk's Office), between the El Paso Water Utilities Public Service Board ("PSB") and the City of El Paso ("City"), for the use of property by the City for a tree nursery.

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 2nd day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10312 Hollyhock Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 32, Block 11, Sun Valley Addition Section Two, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 9, Page 26, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Cash Investment, Inc., 1590 Lomaland Drive, Suite F, El Paso, Texas 79935, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the structures located on the property at 7360-7380 Alameda Avenue, in El Paso, Texas, which property is more particularly described as:

Block 40, Cedar Grove Park #5, Pt. of 2 (101.16' on N. IRREG on E., 147.10' on S 467.0' on W) 1.6652 AC TR 10-B & TR IO-C of Block 26, Ysleta

are unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Trujillo Enterprise, LTD, 5032 Montoya Drive, El Paso, Texas 79922, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said structures should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structures or part thereof are safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16th day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 134 Ceres Place, in El Paso, Texas, which property is more particularly described as:

Lot: 61, North Valumbrosa

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Francisco Vargas and Nancy Esperanza Vargas, 134 Ceres Place, El Paso, Texas 79907, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16th day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7429 Rose Circle, in El Paso, Texas, which property is more particularly described as:

Paisano, Pt. of 23 Beg. 39 Ft. W of NEC (178.18 Ft. on N, 125.72 Ft. on E, 155.28 Ft. on S, Irreg on St)

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Chaparral Park Unit Forty
Owner/Developer: E P Park Hills II, LTD.
Consultant: Conde Engineering

Street Improvements:

Via Descanso Drive - from the northwest subdivision boundary line to the west property line of Via Serena Drive, and from the east property line of Via Serena Drive to the southeast subdivision boundary line

Via Hermosa Court - from the east property line of Via Descanso Drive to the end of cul-de-sac

Via Serena Drive - from the northeast subdivision boundary line to the northwest subdivision boundary line

Via Linda Court - from the north property line of Via Serena Drive to the end of cul-de-sac

Lucas Marcelo Court - from the west property line of Via Descanso Drive to the end of cul-de-sac

Drainage Improvements:

35 ft. P.S.B. R.O.W. - between Lots 25 and 26, Block 172; 304 ft. x 6 ft. high Rock Wall Fence located at the east and the west sides of the R.O.W.; and 46.7 ft. x 3 ft. high Wrought Iron Fence with 2-18 ft. Double Swing Vehicular Gate

15 ft. Drainage R.O.W. - between Lots 22 and 23, Block 181; 223.5 ft. of 30" R.C.P.; 1-Head Wall Structure; 25 ft. x 15 ft. Desilting Basin with Rock Rip-Rap; 426 ft. x 6 ft. high Rock Wall Fence located at the east and the west sides of the Drainage R.O.W.; and 2-15 ft. Double Swing Vehicular Gates

15 ft. Drainage Easement - at Lot 8, Block 182; 177.08 ft. of 30" R.C.P.; and 1-Junction Box/72" Manhole

15 ft. Drainage Easement - at Lot 25, Block 172; 82.37 ft. of 18" R.C.P.; 1-Junction Box 48"/ Manhole; and 16 ft. x 2 ft. high Rock Wall

Drainage R.O.W. Concrete Channel - located at Lot 30, Block 172 and Lot 10, Block 182; 1273 ft. of Reinforced Concrete Channel that varies in dimension; 120 ft. x 6 ft. x 9 ft. Reinforced Concrete Box Culvert; 1174 ft. x 6 ft. high Rock Wall Fence along the Concrete Channel; and 160 ft. x 6 ft. high Chain Link Fence

Storm Drainage System:

Located at Lucas Marcelo Court; 1-2 Grate Drop Inlet Type I

Located at Via Serena Drive; 1-2 Grate Drop Inlet Type I, 139.14 ft. of 24" R.C.P.; and 2-Junction Box/48" Manholes

Located at Via Descanso Drive; 1-22 Grate Drop Inlet Type I; 83.0 ft. of 30" R.C.P.; and 1-Junction Box/72" Manhole

Located at Via Hermosa Drive; 2311.44 ft. of 30" R.C.P.; and 1-Junction Box/72" Manhole

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Las Palmas Unit Two
Owner/Developer: Cavalier Property Management, Inc.
Consultant: Kistenmacher Engineering

Street Improvements:

Saul Kleinfeld Drive - from the northeast subdivision boundary line to the northwest subdivision boundary line
1647.44 ft. x 5 ft. Sidewalk

Turner Road - from the northeast subdivision boundary to the southeast subdivision boundary line

Drainage Improvements:

Surface Drainage

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Borderland Heights Unit Four
Owner/Developer: Enrique Escobar & T.F. Trust
Consultant: Enrique Rey P.E.

Street Improvements:

- Patria Street - from the southwest subdivision boundary line to the west property line of Fabian Street
- Fabian Street - from the southwest subdivision boundary line to the north property line of Granby Street
- Michel Street - from the southwest subdivision boundary line to the north property line of Granby Street
- Granby Street - from the southwest subdivision boundary line to the end of cul-de-sac

Drainage Improvements:

- 15 ft. Drainage Easement - at Lot 13, Block 1; 217.2 ft. x 6 ft. wide Concrete Flume with Rock Rip-Rap; Steel Plate; Guard Rail; 183 ft. x 6 ft. high Rock Wall; 50 ft. x 3 ft. high Rock Wall; 50 ft. x 3 ft. high Wrought Iron Fence located at the east and west sides of the easement; and 15 ft. Wrought Iron Gate
- 15 ft. Drainage Easement - between Lot 1, Block 5, and Lot 16, Block 1; 119 ft. x 6 ft. wide Concrete Flume with Rock Rip-Rap; Steel Plate; Guard Rail; and 15 ft. Wrought Iron Gate.

NOTE: Request was revised from “DBA Engineering” to “Enrique Rey P.E.” as the Consultant.

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Tierra Del Este Unit Thirteen
Owner/Developer: Ranchos Real VI, Ltd.
Consultant: Conde Engineering

Street Improvements:

- Edgemere Boulevard - from the northwest subdivision boundary line to the southeast subdivision boundary line
- Tierra Angel Drive - from the northwest property line between Lots 16 and 17, Block 64 to the north property line of Tierra Alzada Drive, and from the south property line of Tierra Alzada Drive to the north property line of Edgemere Boulevard
- Tierra Fresca Court - from the northwest property line between Lots 16 and 17, Block 64 to the northeast property line between Lots 28 and 29, Block 64
- Tierra Alzada Drive - from the northeast property line between Lots 28 and 29, Block 64 to the east property line of Tierra Angel Drive, and from the west property line of Tierra Angel Drive to the end of cul-de-sac
- Tierra Fuego Court - from the east property line of Tierra Angel Drive to the end of cul-de-sac
- Tierra Flor Place - from the south property line of Tierra Fresca Court to the end of cul-de-sac
- Tierra Roma Way - from the south property line of Tierra Alzada Drive to the north property line of Edgemere Boulevard

Drainage Improvements:

- Storm Drainage System - Located at Tierra Alzada Drive; 1-5 Grate Drop Inlet Type I Located at Edgemere Boulevard; 109.77 ft. of 30” R.C.P.; and 1-Junction Box/72” Manhole
- 15 Ft. Drainage Easement - at Lot 4, Block 64; 204.62 ft. of 30” R.C.P.; and 8.0 ft. x 3.53 ft. Concrete Junction Box

Motion made, seconded and unanimously carried to move to the regular agenda the provisional appointment, in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions, of the Director of Parks & Recreation (1).

Representative Austin commented on a proposed increase for Dr. Torgerson as the provisional Director of Parks and Recreation and noted that the Director of Parks & Recreation was a higher grade level than the Director of the Zoo. She questioned who renders the decision when appointing a provisional appointment as opposed to the giving of additional duties. She questioned the combination of the Municipal Court Clerk and the City Clerk positions and the job specifications/classifications.

Ms. Terry A. Bond, Director of Human Resources, explained the process of provisional appointments and the comparable salary increase to that position. Ms. Bond commented on the reorganization of City departments during the last administration as it pertained to the consolidation of the Municipal Court Clerk and City Clerk positions.

Mayor Joe Wardy added that the 5% salary increase would be during the provisional appointment period only. Mayor Wardy responded to Representative Austin question regarding the appointing an individual to a provisional appointment, he added that the Mayor makes the appointments.

Representative Cushing added comments.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Director of Parks & Recreation (1)

NOTE: The provisional appointment of Director of Parks & Recreation and the appointment of R. William Torgerson were considered together.

Motion made, seconded and unanimously carried to move to the regular agenda the appointment of R. William Torgerson as Director of Parks & Recreation (provisional) while still performing the duties of Zoo Director, effective February 10, 2004.

See discussion on the previous item.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried that R. William Torgerson be appointed Director of Parks and Recreation (provisional) while still performing the duties of Zoo Director, effective February 10, 2004 at an annual Salary of \$98, 519.

NOTE: The provisional appointment of Director of Parks & Recreation and the appointment of R. William Torgerson were considered together.

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for AIRPORT

Add	2.00	Automotive Technician I	GS17
Delete	1.00	Laborer	GS07
Delete	1.00	Automotive Technician II	GS19

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for MUSEUM

Add	.75	Development Assistant	Contract
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*Motion made, seconded and unanimously carried to re-appoint James H. Kluetz to the City/County Animal Shelter Committee by Representative John F. Cook, District 4.

.....
*Motion made, seconded and unanimously carried to appoint Brent Sanders to the Parks & Recreation Advisory Board by Mayor Pro Tempore Anthony W. Cobos, District 8.

.....
*Motion made, seconded and unanimously carried to award RFP No. 2004-051R Food Concession for Police Headquarters

Award to: El Paso Snax Co Tom's
El Paso, Texas
Item (s): All
Amount: \$1,200.00 (estimated annually)

Department: Police
Funds available: Revenue
Funding source: Revenue
Total award: \$6,000.00 (estimated)

The Review Committee based on evaluation factors established for this RFP recommend award to El Paso Snax Co. Tom's.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to executive any related contract documents and agreements necessary during the contract.

This is a five (5) year contract with the option to extend for five (5) additional years.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-039 Sunrise Park Improvements

Contractor: Southwest Growth, Inc.
El Paso, Texas
Department: Parks & Recreation Department

Funds Available: 71150069/G7128CD0015/07754/508027
Funding Source: Community Development FY 2004
Items: Base Bid I \$411,000.00
Total Award: \$411,000.00

The Departments of Purchasing, Engineering and Parks & Recreation Department recommend the award of this contract to Southwest Growth, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....

*Motion made, seconded and unanimously carried to award Bid No. 2004-052 City Hall Booster Pump

Award to: C L North Company
El Paso, Texas
Item (s): Base Bid \$47,000.00
Department: Municipal Services
Funds available: 04250201/PMB0002130/27203/508008
Funding source: 2001 Certificate of Obligations
Total award: \$47,000.00

The Departments of Engineering, Purchasing and Municipal Services recommend the award of this contract to C L North Company, the lowest responsible responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-341 OFFICE OF MANAGEMENT & BUDGET

Transfer is required to move appropriations to Non-Departmental in order to facilitate the tracking of all departmental expenditures.

Decrease	\$ 4,600	from	03010023/01101/502110	TitleSrchSvcs
Decrease	\$ 7,000	from	03010023/01101/502402	CompRelLses
Increase	\$11,600	to	99010273/01101/502110	TitleSrchSvcs
Decrease	\$ 3,600	from	03010023/01101/502101	AppraisalSvcs
Decrease	\$10,000	from	03010023/01101/503103	Pubs/Subs
Increase	\$13,600	to	99010273/01101/502101	AppraisalSvcs

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-344 HEALTH

To establish budget for new grant received from the Texas Department of Health.

Increase	\$34,000	to	41150023/G41040306089/406001	StGrProc
Increase	\$29,000	to	41150023/G41040306089/502215	OutsideCnt
Increase	\$ 3,000	to	41150023/G41040306089/503102	PromoSup
Increase	\$ 2,000	to	41150023/G41040306089/504201	TrvlExpEmp

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-345 AIRPORT

Transfer of funds to cover acquisition of 6.5 X 12 single axle trailer for transporting striping machine and 55 gallon paint drums.

Increase	\$1,223	to	62620020/P50000441022/508006	VehEq
Increase	\$1,223	to	62620020/P50000441022/407001	IntrafdTrfln
Increase	\$1,223	to	62620018/P50000241021/407002	EstRev
Increase	\$1,223	to	62620018/P50000241021/507001	IntrfdTrfOut

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-348 AIRPORT

Transfer of funds to increase amount for replacement and redesign of the electrical conduit for the T-Hanger electrical system project as recommended by Engineering.

Increase	\$25,000	to	62620024/PAP002541064/508027	Construction
Increase	\$25,000	to	62620024/PAP002541064/407001	IntrafdTrfln
Increase	\$25,000	to	62620018/P50000241021/407002	EstRev
Increase	\$25,000	to	62620018/P50000241021/507001	IntrafdTrfOut

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-356 ECONOMIC DEVELOPMENT

To fund the Visitor's Information Center at the Union Plaza terminal.

Increase	\$32,100	to	57010270/15707/502115	MgtCnsultSvc
Decease	\$32,100	from	72010268/01101/502215	OutsideCnt

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-357 MUNICIPAL CLERK

To pay for the Municipal Court client server maintenance contract.

Increase	\$100,000	to	11153060/PMC000116011/407002	EstRev
Increase	\$100,000	to	11153060/PMC000116011/502202	DataProcSvc

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-364 AIRPORT

Transfer of funds to set up funding for the golf course design portion of the resort project.

Increase	\$ 1,000	to	62620026/PAP002341063/502205	Legal Notices
Increase	\$ 2,000	to	62620026/PAP002341063/502302	PrtShopChgs
Increase	\$ 1,000	to	62620026/PAP002341063/502304	MailRmChgs
Increase	\$2,000,000	to	62620026/PAP002341063/508016	Arch&Design
Increase	\$ 1,000	to	62620026/PAP002341063/508021	EngAdmChg
Increase	\$ 30,000	to	62620026/PAP002341063/508024	Testing
Increase	\$ 30,000	to	62620026/PAP002341063/508026	Inspections
Increase	\$ 30,000	to	62620026/PAP002341063/508051	CityPrgMgmt
Increase	\$2,095,000	to	62620026/PAP002341063/407001	Intrafd Trf In
Increase	\$2,095,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$2,095,000	to	62620018/P50000241021/507001	Intrafd Trf Out

.....
*Motion made, seconded and unanimously carried to approve the request of El Paso Times to hold a 20k and 5k run on March 14, 2004 from 6:00 a.m. to 12:30 p.m. **Route-20k** run - Start at Northwestern to Trans Mountain, turn right on Trans Mountain to Gateway South, turn right on Gateway South to Diana, turn left on Diana to Gateway North, turn left on Gateway North and finish at EPCC-Trans Mountain Campus. **Route-5k** run - Start on Kenworthy at EPCC's parking lot to Diana, turn right on Diana to Gateway South, turn right on Gateway South to Trans Mountain, turn left on Trans Mountain, turn around Trans Mountain to Gateway South, turn right on Gateway South to Diana, turn left on Diana to Gateway North and finish at EPCC-Trans Mountain Campus. Approximately 2,000 persons, 25 vehicles will take part and 200 spectators are anticipated. This request includes permission to use amplification (radio station's vehicle speaker). PERMIT NO. 04-002 [Maribel Villalva]

*Motion made, seconded and unanimously carried to approve the request of United Way of El Paso County to hold a ½ Marathon and 5k run on February 29, 2004 from 8:00 a.m. to 11:00 a.m. **Route-1/2 Marathon-** Start at Kern and Mesa, turn right on Stanton to Rim, turn left on Rim to Scenic Drive, turn left on Louisiana to Altura, turn right on Altura to Marr, turn right on Marr to Hastings, turn left on Magruder to Hughey, turn right on Hughey to Mescalero, turn right on Mescalero to Aztec, turn left on Aztec to Sioux, turn right on Sioux to Edgemere, turn right on Juniper to W. H. Burges, turn left on W. H. Burges to Glen Garry, turn left on Glen Garry to Backus, turn right on Backus to Daugherty, turn left on Daugherty to McRae, turn right on McRae to Springwood, turn left on Springwood to Bois D'Arc, turn right on Bois D'Arc to Caper and finish at Caper. **Route-5K Run-** Start on Caper to Bois D' Arc, turn left on Bois D'Arc to Springwood, turn left on Springwood to McRae, turn right on McRae to Daugherty, turn left Daugherty to Backus, turn right on Backus to Montwood, turn around on Montwood and follow same route to Caper. Approximately 1,000 persons will take part and 200 spectators are anticipated. This request includes permission to use amplification (small P.A. system) PERMIT NO. 04-003 [Chris Rowley]

.....
 *Motion made, seconded and unanimously carried to approve the request of Inter Club Council to hold a Black History Parade on February 28, 2004 from 10:00 a.m. to 11:30 a.m. Route: Start at Pershing and Montana, proceed on Montana to Copia, turn right on Copia to Missouri, turn right on Missouri and finish at Mary Webb Park (disband). Approximately 550 persons, 20 vehicles will take part and 3,000 spectators are anticipated. This request includes permission to use amplification (P.A system and 2 speakers in the park). PERMIT NO. 04-004 [Carl L. Robinson]

.....
 *Motion made, seconded and unanimously carried to approve the request of Amigos de las mujeres de Juarez to hold a march/demonstration on February 14, 2004 from 11:00 a.m. to 12:00 p.m. Route: Start at corner of San Antonio and Stanton, proceed on Stanton and finish at Lerdo Int'l Bridge. Approximately 150 persons, 20 vehicles will take part. PERMIT NO. 04-005 [Marisa Silva]

.....
 Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Escobar was not present for the vote.

- A. An Ordinance authorizing the Mayor to sign a Special Warranty Deed conveying to EP Land Acquisition, L.L.C., a Texas Limited Liability Company, land totaling approximately 45.6 acres, being two parcels 28.7072 acres and 16.8879 acres respectively, located in Tract 1A, Section 31, Block 80, Township1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located near Sean Haggerty and McCombs streets in the City.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.40 (Size, Weight and Class Restrictions), Section 12.40.070 (Maximum Vehicle Weight Allowed on Certain Bridges and Streets) to delete the Cotton Street bridge between Texas Avenue and Gateway Boulevard West from such restrictions.
- C. An Ordinance amending Title 12 (Vehicles and Traffic) Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III Parking Prohibited at all times on certain Streets) to add a new location on the South side of San Antonio Avenue from Cotton Street to a point 475 feet east thereof. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 (Schedule 1 - One Way Streets) to add a new location on Cincinnati Avenue, Westbound from Stanton Street to Mesa Street.
- E. An Ordinance authorizing the Mayor to sign a Contract of Sale between the City of El Paso and Tropicana Homes, Inc., for the sale of Lots 79 and Lot 80, Sunrise Acres #1, El Paso, El Paso County.

- F. An Ordinance vacating a portion of Rim Road out of Map of Alexander Addition, An Unrecorded Map in the City of El Paso, El Paso County, Texas.
- G. An Ordinance vacating a portion of Physicians Drive. (F.K.A. Guernsey Road) Right-of-Way adjacent to Tract 33, O.A. Danielson Survey No. 310, City of El Paso, El Paso County, Texas.
- H. An Ordinance vacating a five-foot (5') utility easement located within a portion of Lot 19, Ranchland Commercial District, Unit 2, and Lot 20, Block 1, Ranchland Commercial District, Unit 3, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 24, 2004 FOR ITEMS A – H

- I. An Ordinance changing the zoning of Tracts 3C1, 3D1 & 3G, Block 6, Upper Valley Surveys, El Paso, El Paso County, Texas (132 West Redd Road) from C-1/sc (Commercial/special contract) to S-D/sc (Special Development/special contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00084. Applicant: Ramon H. & Georgiana A. Garcia / Representative: Carrera Design Consultants, 132 W. Redd Road, El Paso, TX 79932.
- J. An Ordinance changing the zoning of a Portion of Tract 1, Section 4, Block 79, Township 3, T & PRRC Surveys, El Paso, El Paso County, Texas (West of Zaragoza Road & Sun Fire Blvd.) from C-3/sc (Commercial/special contract) to PR-2/sc (Planned Residential/special contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00086. Applicant: Laguna Meadows, Inc. / Representative: Eddie Urquidi, 2048 Pueblo Nuevo, El Paso, TX 79936.
- K. An Ordinance changing the zoning of Parcel 1: A Portion of Tract 1A1, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions, Parcel 2: A Portion of Tract 1A1, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from PMD (Planned Mountain Development) to C-4 (Commercial) and imposing certain conditions, Parcel 3: A Portion of Tract 1D, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential), Parcel 4: A Portion of Tract 1D, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from PMD (Planned Mountain Development) to C-3 (Commercial) and imposing certain conditions, Parcel 5: A Portion of Tract 10B4, Nellie D. Mundy Survey No. 239 and A Portion of Tract 2D, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial) and imposing certain conditions, Parcel 6: A Portion of Resler Drive and A Portion of Tract 2E, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from PMD (Planned Mountain Development) to C-4 (Commercial) and imposing certain conditions, Parcel 7: Resler Drive and A Portion of Tracts 2E & 4G, Nellie D. Mundy Survey No. 240 and A Portion of Tract 1B, Nellie D. Mundy Survey No. 242 and All of Tract 2A & a Portion of Tract 2E, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions, Parcel 8: A Portion of Tract 2C, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from PMD (Planned Mountain Development) to C-3 (Commercial) and imposing certain conditions, Parcel 9: A Portion of Tract 3B, Nellie D. Mundy Survey No. 242 and A Portion of Tract 2C, Nellie D. Mundy Survey No. 243, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZON03-00047. Applicants: Plexxar Ltd. and Hunt El Paso Investment Ltd. / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936.

PUBLIC HEARING WILL BE HELD ON MARCH 2, 2004 FOR ITEMS I – K

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Austin stated for the record that Council Members had received legal advice from counsel on the matter during Executive Session.

Motion made by Representative Rojas, seconded by Representative Cobos and carried to approve the installation of multi-way (4 way) stop at the intersection of Broadway Drive and Pecan.

AYES: Representatives Cushing, Lozano, Power, Rojas and Cobos
NAYS: Representatives Austin and Cook
NOT PRESENT: Representative Escobar

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move into executive session of the regular agenda the submission of the petition to recall Representative Paul Escobar, District VI, to the City Council and discussion and action to order the recall election to be held at the next permitted election date.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried for the following:

1. That Council acknowledged the receipt of the City Clerk's Certificate regarding the petition to recall Representative Paul Escobar, District VI, and to order the recall election to be held at the next permitted election date (City Clerk's Certificate on file in the City Clerk's Office); and
2. Postpone one (1) week the submission of the petition to recall Representative Paul Escobar, District VI, to the City Council and discussion and action to order the recall election to be held at the next permitted election date.

Representative Escobar was not present for the vote.

Ms. Richarda Duffy Momsen, City Clerk, read the following City Clerk's Certificate into the record.

CITY CLERK'S CERTIFICATE

Whereas on January 16, 2004, a notice of intent to file a recall petition for Paul Escobar, District VI Representative, was received by the City Clerk;

Whereas on January 26, 2004, a recall petition consisting of 30 pages was received by the City Clerk;

Whereas after examination of such recall petition, the City Clerk makes the following certification pursuant to Ordinance 008066:

The recall petition has been signed by the requisite number of qualified electors, having been signed by 518 qualified electors in District VI.

Certified this 5th day of February, 2004.

Richarda Duffy Momsen
City Clerk

.....
RESOLUTION

WHEREAS, the City awarded Contract No. 2003-147 to Villafam Contracting Services, LLC, (Villafam) on April 29, 2003, for Household Hazardous Waste Disposal Services; and

WHEREAS, the City Council finds that the Company is in default of the provisions of the Contract;
and

WHEREAS, pursuant to Section C 8B of the Contract (Cancellation for Default), the City is authorized to terminate the Contract in the event of default by the Company; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Purchasing is authorized to notify Villafam Contracting Services, LLC that the City is terminating Contract No. 2003-147 pursuant to the provisions and requirements of Section C 8B of the Contract Clauses due to default of Villafam and that the termination shall be effective as of February 10th 2004.

Mr. Byron Johnson, Director of Purchasing, explained the staff recommendation to terminate the contract for default and noted that the Solid Waste Department would bid a new contract.

Representatives Cook, Austin and Cushing asked questions of City staff.

Mr. Jim Martinez, Chief Administrative Officer, explained the difference between "terminating for default" and "terminating for convenience".

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....
ORDINANCE 15690

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 14766 RELATING TO THE ISSUANCE OF CITY OF EL PASO, TEXAS, GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000 FOR THE PURPOSE OF PROVIDING MONEY FOR CERTAIN AUTHORIZED PURPOSES; APPROVING AND AUTHORIZING OFFICERS AND EMPLOYEES TO ACT ON BEHALF OF THE CITY IN THE SELLING AND DELIVERY OF SUCH NOTES, WITHIN THE LIMITATIONS AND PROCEDURES SPECIFIED HEREIN; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY AND SECURITY OF THE NOTES, INCLUDING THE APPROVAL OF AN ISSUING AND PAYING AGENCY AGREEMENT, A CREDIT AGREEMENT, AN OFFERING MEMORANDUM AND A COMMERCIAL PAPER DEALER AGREEMENT.**

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained financial information pertaining to the 2000 Quality of Life bonds.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15691

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 3, BLOCK 10, EASTWOOD UNIT 1, EL PASO, EL PASO COUNTY, TEXAS (7822 BOIS D'ARC) FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. He noted that the DCC (Development Coordinating Committee) had approved the zoning change request imposing certain conditions, in addition to, the submittal of a Detailed Site Development Plan. He noted that the Fire and Planning Departments had opposed the zoning change request. Mr. Sarmiento explained that the CPC (City Plan Commission) had voted unanimously to approve the zoning change request imposing certain conditions, accepted the Detailed Site Development Plan and concurred with staff recommendations.. He added that there was no opposition to the case and answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy questioned why the Fire and Planning, Research and Development Departments had opposed approving the zoning change request.

Representatives Rojas, Lozano and Cook asked questions and or made comments.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15692

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF MAIN STREET ADJACENT TO LOT 6, BLOCK 1, MILLS MAP (ALSO KNOWN AS LOT D, BLOCK 1, MILLS ADDITION), LOT 1, BLOCK 1, MILLS MAP, (ALSO KNOWN AS LOT A, BLOCK 1, MILLS ADDITION), AND LOT 39, BLOCK 17, MILLS MAP (ALSO KNOWN AS LOT F, BLOCK 17, HERALD SUBDIVISION OF MILLS MAP), ALL OF WHICH ARE IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representative Cobos asked questions of City staff and thanked the Downtown Management District and downtown property owners for their cooperation.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation, explained that the vacating of a portion of Main Street was due to the expansion of the Plaza Theatre and noted that Main Street would become a one-way street going east and west. He stated that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had approved the street vacation. He thanked the Central Business Association and adjacent property owners for their cooperation in the process of the street vacation. He added that a property owner had requested that the traffic control plans be made a part of the record (on file in the City Clerk's office). He informed the Council Members that there was no opposition to the street vacation.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that the traffic control plans pertained to signage installation and striping necessary to make Main Street a one-way street and traffic control plans necessary for large productions to be staged at the Plaza Theatre in the future.

Mr. Michael E. Breiting, Executive Director of the El Paso Central Business Association and El Paso Downtown Management District, commented that the association was in support of the Ordinance and that the Downtown Management District had paid the \$12,000.00 for the additional traffic control plan on behalf of the downtown business and property owners.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: The ordinance was moved to the forefront of the regular agenda, see motion below.

Motion made by Representative Cobos, seconded by Representative Austin and carried to move to the forefront of the regular agenda an Ordinance vacating a portion of Main Street adjacent to Lot 6, Block 1, Mills Map (also known as Lot D, Block 1, Mills Addition), Lot 1, Block 1, Mills Map, (also known as Lot A, Block 1, Mills Addition), and Lot 39, Block 17, Mills Map (also known as Lot F, Block 17, Herald Subdivision of Mills Map), all of which are in the City of El Paso, El Paso County, Texas.

AYES: Representatives Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: Representative Cook
NOT PRESENT: Representative Escobar

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*Motion made, seconded and unanimously carried to postpone eight (8) weeks the public hearing to determine if the property located at 7245 Barker Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 19th, 2003. The owner of this property, Aurora Loan Services, Inc., ATTN: Claims Department, P. O. Box 1706, Scottsbluff, NE 69363-1706, has been notified of the violations at this property. Delinquent taxes in the amount of \$2,459.11.

.....
*Motion made, seconded and unanimously carried to postpone eight (8) weeks the public hearing to determine if the property located at 3732 Tularosa Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 25th, 2003. The owners of this property, Rosa Irene Rocha and Ana Rocha Aragon, Individually and Ana R. Aragon, Independent Administratrix of the Estate of Mariana Rocha, Deceased, have been notified of the violations at this property. Delinquent taxes in the amount of \$922.92.

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*Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone eight (8) weeks the public hearing to determine if the property located at 2618 Chico Court, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Maria Gandara, 2618 Chico Court, El Paso, Texas 79903, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Ms. Maria Gandara, property owner, requested additional time to comply with the City's request.
Mr. Thomas Maguire, Building Permits and Inspections, commented.

Motion made by Representative Cobos, seconded by Representative Austin and carried to move to the forefront of the regular agenda the Resolution that the El Paso City Council supports binational cooperation to call attention to the problems and encourages work towards binational solutions, including recognition of human rights.

AYES: Representatives Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: Representative Cook
NOT PRESENT: Representative Escobar

RESOLUTION

WHEREAS, V-Day, celebrated around the world, is dedicated to focusing international attention on the murders of girls and women in Ciudad Juarez, and

WHEREAS, over 300 girls and women have been murdered in Juarez over the last 10 years, one third of them raped and mutilated before death, and several of them El Pasoans, and

WHEREAS, interpersonal and street violence is problematic in Juarez for both men and women, with the most recent example being backyard burials in early 2004, and

WHEREAS, disappearances of people are also problematic in Juarez, affecting El Pasoans, their relatives and friends, and

WHEREAS, worldwide, women face special safety threats in their homes and on the streets, whether from domestic violence, rape, and/or serial killers, with an average of 2,400 domestic violence calls per month reported to the police in El Paso,

NOW THEREFORE, BE IT RESOLVED,

THAT the El Paso City Council proclaims its horror and outrage at the violence, and

BE IT FURTHER RESOLVED,

THAT the El Paso City Council supports binational cooperation to call attention to the problems and encourages work towards binational solutions, including recognition of human rights.

Dr. Irasema Coronado, Political Science Professor at the University of Texas at El Paso and Co-Chair of the Coalition Against Violence Towards Women and Families at the U.S.-Mexico Border, thanked the Council for acknowledging V-week and supporting collaborative efforts with Ciudad Juarez regarding the violence against women in that city. She invited the Council Members to the number of events planned for V-week.

Representative Escobar commended Representative Rojas for bringing the matter to the Council Members' attention.

Representative Rojas read the Resolution into the record.

Motion made by Representative Rojas, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

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Motion made by Representative Power, seconded by Representative Cook and unanimously carried to fund the Discovery Lab for the TACE program in the amount of \$20,000. The TACE program is a partnership between EPCC, Workforce Board, Chamber of Commerce and the City of El Paso designed to provide job training and employment opportunities for the disabled population in the El Paso County.

Representative Power requested the support of the Council Members for the funding of the Discovery Lab for the TACE program and explained the functionality of the Discovery Lab.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, commented.

Representative Cook and Mayor Joe Wardy commented on funding issues/sources.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:15 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. Discussion and action concerning the installation of multi-way (4 way) stop at the intersection of Broadway Drive and Pecan. (551.071)
- B. Submission of the petition to recall Representative Paul Escobar, District VI, to the City Council and discussion and action to order the recall election to be held at the next permitted election date. (551.071)

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 10:57 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Power and Rojas was not present for the vote.

Motion made by Representative Rojas, seconded by Representative Cobos and carried to approve the installation of multi-way (4 way) stop at the intersection of Broadway Drive and Pecan.

- AYES: Representatives Cushing, Lozano, Power, Rojas and Cobos
- NAYS: Representatives Austin and Cook
- NOT PRESENT: Representative Escobar

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried for the following:

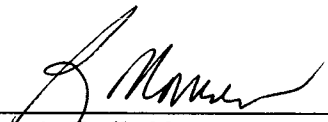
1. That Council acknowledged the receipt of the City Clerk's Certificate regarding the petition to recall Representative Paul Escobar, District VI, and to order the recall election to be held at the next permitted election date (City Clerk's Certificate on file in the City Clerk's Office); and
2. Postpone one (1) week the submission of the petition to recall Representative Paul Escobar, District VI, to the City Council and discussion and action to order the recall election to be held at the next permitted election date.

Representative Escobar was not present for the vote.

Motion made by Representative Austin, seconded by Representative Power and unanimously carried to adjourn this meeting at 12:32 p.m.

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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk